For those of us who knew and loved Usher Burdick as a great human being and great American that he was, his passing fills our hearts with deep sadness, but in the memory of his friendly, warm, beaming countenance, loyal friendship and distinguished, unselfish service to the Nation we will all have reason to be grateful that this great American from the great Midwest lived so courageously, worked so diligently and served so faithfully and effectively in the vineyards of American democracy.

A great man and a great Congressman has left us. Our hearts go out in profound sympathy to his bereaved family for their irreparable loss.

May the good Lord bring to our beloved friend, Usher Burdick, eternal rest and peace in his heavenly home.

THE LATE HONORABLE DANIEL ELLISON

The SPEAKER. The Chair recognizes the gentleman from Maryland [Mr. FRIEDEL].

Mr. FRIEDEL. Mr. Speaker, as it must to all men, the Lord in His infinite wisdom has seen fit to call one of our former colleagues, Daniel Ellison, from his earthly labors to abide with Him in eternal peace.

It is therefore fitting and proper that we should pause in our deliberations to recall the memory and mourn the loss of a truly distinguished man who is now no longer among us.

Seventy-four years ago, Daniel Ellison was born in a foreign land far across the sea and, while still a mere infant, his parents brought him to our hallowed shores settling in the city of Baltimore, in the Free State of Maryland. There he was educated in its public schools and graduated from the Baltimore City College.

Daniel Ellison entered the Johns Hopkins University and received his bachelor of arts degree from the world-famous institution of learning in 1907. A few years later he received the degree of LL.B. from the Law School of the University of Maryland and was admitted to the bar.

It was because of his interest in civic affairs that he yielded to the urgings of his friends and admirers to enter the political arena. In 1923, Mr. Ellison was elected as a member of Baltimore's first unicameral city council. It is noteworthy that he was the only Republican elected to any city office in that election. As a councilman, he played a large part in the adoption of Baltimore's zoning regulations and the easing of its ancient Sunday blue laws.

I had the good fortune also to be a member of the Baltimore City Council during the time Daniel Ellison served in that body. There I had the opportunity to see at first hand the brilliant mind, the great civic consciousness, and the largeness of heart of this man. Because of his sterling qualities and leadership, the Fourth District of Maryland elected him as its Representative to the 78th Congress. That was before it became my great privilege to be a Member here. Many of my colleagues well remember him where he made a host of friends on both sides of the aisle in the House of Representatives. Later, he served with marked distinction in the Senate of the State of Maryland and took a leading part in the framing of legislation.

Daniel Ellison will long be remembered, not so much for his truly distinguished career as one of Baltimore's topflight attorneys, nor for his activities as President of the American Jewish Congress and other religious and civic endeavors, nor for his having held political office, but more especially for his great qualities of both heart and mind which he utilized to help make his city, State, and Nation a better place. Daniel Ellison was a true American in every sense of the word. We deeply mourn this great loss and his memory is enshrined in our hearts forever.

GENERAL LEAVE TO EXTEND

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on the life, character, and public service of former Congressman Ellison.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

THE LATE PHILIP B. PERLMAN

Mr. FALLON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. FALLON. Mr. Speaker, I consider it a privilege to pay my respects to an illustrious American. The death of Philip B. Perlman on July 31, 1960, has deprived the State of Maryland and the entire Nation of a great and good citizen. Mr. Perlman has been a part of the judicial and civic life of America for the major portion of his active 70 years.

A native of Baltimore, Philip Perlman was graduated from Baltimore City College in 1908. He was an enthusiastic college correspondent for the Baltimore American and joined the staff as a reporter upon graduation. Subsequently he studied English and political economy at Johns Hopkins and at the University of Maryland he studied law. He passed the bar in 1912. He then joined the staff of the Evening Sun and at the age of 23 was named city editor. For 5 years he held that position.

It was at the age of 28 that Philip Perlman began his long and brilliant legal career. He served his beloved State of Maryland as assistant to the attorney general, assistant attorney general, secretary of state, and was a competent adviser to many in high public office.

The distinguished public service record of Philip Perlman further included city solicitor of Baltimore. In private practice he was counsel for the Baltimore Housing Authority, the Baltimore Transit Co., and the Maryland Cooperative Milk Producers.

Mr. Perlman was appointed Solicitor General of the United States by Mr. Truman in 1947. His record in that office has become legend. Of the 53 cases he presented to the Supreme Court from the Department of Justice, he won 47—a brilliant record, indeed.

He served the Democratic Party with earnest zeal. He worked tirelessly as cochairman of the platform committee at the recent Democratic National Convention, as well as many conventions in the past.

Necessary and important Baltimore civic activities benefited from Philip Perlman's public-spirited service. These included such organizations as Baltimore's Associated Jewish Charities, its symphony orchestra, its museum of art, the Walters Art Gallery, and the Peale Museum.

Philip Perlman's life most surely represented what has been called the threefold function of a lawyer—adviser, representative, and advocate. The traditions and common precepts of his profession he held on a high plane. He found his highest honor in a reserved reputation. He was known for his fidelity to public duty.

I am certain you, my colleagues in the House of Representatives, join me in mourning his passing and acknowledging the Nation's loss in the death of Philip Perlman.

SUSPENSION OF SECTION 315 OF THE COMMUNICATIONS ACT OF 1934 FOR THE PRESIDENTIAL CAMPAIGN

The SPEAKER. The Chair recognizes the gentleman from Arkansas [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, I move to suspend the rules and pass the resolution (S.J. Res. 207) to suspend for the 1960 campaign the equal opportunity requirements of section 315 of the Communications Act of 1934 for nominees for the offices of President and Vice President.

The Clerk read the resolution as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That that part of section 315(a) of the Communications Act of 1934, as amended, which requires any licensee of a broadcast station who permits any person who is a legally qualified candidate for any public office to use a broadcasting station to afford equal opportunities to all other such candidates for that office in the use of such broadcasting station, is suspended for the period of the 1960 presidential and vice presidential campaigns with respect to nominees for the offices of President and Vice President of the United States. Nothing in the foregoing shall be construed as relieving broadcasters from the obligation imposed upon them under this Act to operate in the public interest.

(2) The Federal Communications Commission shall make a report to the Congress, not later than March 1, 1961, with respect to the effect of the provisions of this joint resolution and any recommendations the Commission may have for amendments to the Communications Act of 1934 as a result of experience under the provisions of this joint resolution.

The SPEAKER. Is a second demanded?

Mr. BENNETT of Michigan. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Arkansas is recognized.

Mr. HARRIS. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, Senate Joint Resolution 207 proposes to suspend for nominees for the offices of President and Vice President of the United States for the 1960 campaign the equal opportunity requirement contained in section 315 of the Communications Act of 1934.

Mr. Speaker, in my judgment this is a most important proposal. It goes to the heart of our political institutions. Since the Radio Act of 1927 there has been the basic requirement now contained in section 315 of the Communications Act of 1934 that equal time must be provided by broadcasting facilities for candidates in any political contest.

This provision of the act is of great importance because it is concerned with the use of an important public natural resource: the radio spectrum.

All members of the Committee on Interstate and Foreign Commerce have for several years given a great deal of thought and study to this problem. It is therefore not a new problem that is before us.

When the late and beloved Percy Priest was chairman of this great committee, he introduced legislation dealing with the subject, on which hearings were held. During this Congress a number of bills have been introduced in the House on this subject.

Our committee has held rather extensive hearings on bills dealing with section 315 and which are printed and which are available to any Member who desires to peruse these hearings.

The Interstate and Foreign Commerce Committee in the other body held hearings on S. 3171, a bill which would have required television stations to make available free prime time for candidates for the office of President of the United States. These hearings were held by that committee on May 16, 17, and 19 of the present year, and are available for the Members of the House in case they are interested in looking over them.

Senate Joint Resolution 207 is the result of those hearings. It was reported by the Senate committee and was passed by that body late in the session prior to our adjourning for the conventions. However, there was not sufficient time for the resolution to be referred to the Committee on Interstate and Foreign Commerce of the House to hold hearings on and to report it back for consideration by the House.

Consequently, the Speaker, and I think appropriately so, held the joint resolution on his desk with the announced intent at that time of calling it up under suspension of the rules. As a matter of fact, I was alerted that it might be called up on July 4.

I realize there is a great deal of interest in this resolution on the part of many people, including many Members of Congress.

Mr. Speaker, I realize there is some serious question in the minds of many Members with respect to this resolution. That concern has been demonstrated on every occasion on which legislation on this subject has been discussed. I feel deeply, Mr. Speaker, that the broadcasters of this Nation who have been given the privilege of operating broadcast facilities in the public interest have a public responsibility to strengthen our political institutions, and that is the issue here today. I want to urge, as a matter of great importance to all Americans who go to the polls this November regardless of political affiliation, the passage of this Senate joint resolution—Senate Joint Resolution 207—now before us. This resolution was passed by the Senate without dissent.

The purpose of this resolution, is to permit the presidential and vice presidential candidates to accept free television time promised by the three major television and radio networks and their affiliated stations throughout the country, thus to permit television and radio to cover the 1960 presidential campaign more comprehensively than ever before.

In my opinion, this would be to the indisputable advantage of the American people since it would insure greater illumination of the political issues and the candidates. In a nutshell, this resolution suspends the equal time requirements of section 315 of the Communications Act as they pertain to the presidential and vice presidential candidates during the 1960 campaign only. It is an experiment for this election year. Under the present reach of section 315 of the Communications Act, radio and television broadcasting stations are compelled to give equivalent time to dozens of splinter parties and fringe candidates if they give time to any candidate. This, of course, means that the practical effect of section 315 is a tight proscription of broadcast coverage of political campaigns. In recent elections there have been as many as 18 separate parties and candidates which would have qualified for equivalent time if the Democrats and Republicans had been given time on the air.

This resolution would make it possible on an experimental basis for the networks and stations to give time on a fair and equitable basis to all substantial newsworthy candidates for President and Vice President. It does not in any way suspend the statutory requirements that the broadcasters continue to operate in the public interest, convenience, and necessity. In other words, fairness and balance would still be required of them in their handling of political events and personalities.

Furthermore, the resolution requires the Federal Communications Commission to keep track of and to report back to the Congress the broadcasters' record on the use of radio and television in this presidential campaign, and to recommend whether or not the Communications Act should be amended in view of the results.

Through this directive to the Federal Communications Commission, a sword of Damocles will be hanging over the heads of the broadcasting industry. Senate Joint Resolution 207 is not a carte blanche for broadcasters. It grants relief from the equal-time restrictions only with regard to presidential and vice presidential candidates and only for the 1960 campaign. The broadcasting industry is clearly charged to do its best to make the significant presidential candidates and issues, through debate and discussion, familiar to the vast radio and television audiences of the country. The resolution simply gives the industry the flexibility to do voluntarily what the broadcasters have vociferously acknowledged to be their duty: that is, to provide prime evening time during the presidential campaign for debate and discussion by the major candidates.

On the floor of the Senate, Senator PASTORE stated:

> The language of the resolution as it is drawn meets with the approval of the Republican National Chairman and the Democratic National Chairman. If we seek to change it at this time, I fear that any deviation might lead to ineffectiveness.

The worst that can happen under this resolution, as Senator PASTORE pointed out, is that nothing will happen—that none of the candidates will avail themselves of the free time offered. The best that can happen, on the other hand, is that the significant parties will receive millions of dollars worth of free time in which to present their cases to the American people through their presidential and vice presidential candidates.

The American people will be deciding a great and critical election this fall. Radio and television reach into virtually every home in the land. It is certainly in the public interest that these great mediums be used to their fullest and best potential in bringing the candidates and issues home to every family. But unless we act affirmatively on this resolution, the roles of both radio and television in the presidential campaign will be drastically restricted. And I suggest that what this country needs is more information, clearer information, and faster information. Let us remove the shackles for this year, give it a trial, and see how it works out.

Organizations in support of Senate Joint Resolution 207: Chamber of Commerce, American Legion, Veterans of Foreign Wars, Jewish War Veterans, Catholic War Veterans, Amvets, Radio-Television News Directors Association, Sigma Delta Chi, Oversea Press Club, National Grange, National Association of Broadcasters.

Mr. Speaker, there are two or three things I wish to cover that have been mentioned. First, in connection with other broadcasting legislation, there has been a great deal of fear expressed on the part of the broadcasters with reference to the imposition of tighter controls on the broadcasting industry. This resolution does just the reverse. It places responsibility on the broadcaster on an experimental basis. The Government will not control or direct this program, and the broadcasters will be in a position where they can show by their own actions that they will meet

the basic requirement of fair play. The resolution provides this, on page 2, at line 2.

With reference to third party or independent candidates, the basic fairness requirement under the resolution requires that if there is a third party or a substantial independent party represented by a candidate—as, for example, the so-called Dixiecrat ticket of 1948—then that candidate will be given, under the language of this provision, the protection of the basic fairness, so there should not be any fear by any substantial candidate during this year.

The SPEAKER pro tempore. The time of the gentleman from Arkansas [Mr. HARRIS] has again expired.

Mr. BENNETT of Michigan. Mr. Speaker, I yield the gentleman from Arkansas 3 minutes, for the purpose of asking a question or two.

Mr. HARRIS. Mr. Speaker, I thank the gentleman; may I suggest that I cover these other points first briefly, because there have been many questions asked on them.

Mr. BENNETT of Michigan. That is agreeable to me.

Mr. HARRIS. Third, the matter of sponsorship. There has been some talk about these debates by presidential candidates being sponsored. One of the networks said that under no circumstances would they have sponsorship of such programs. Two of the other television and radio networks hedged a little bit on the subject and seemed to want to leave it up to the candidates. One radio network also seemed to hedge a little bit. I shall put in the RECORD at this point the wires which I received from all four.

NEW YORK, N.Y.,
August 18, 1960.

OREN HARRIS,
Chairman, House Committee on Interstate and Foreign Commerce, House Office Building, Washington, D.C.:

Replying your telegram August 18, in absence of Mr. Leonard Goldenson, ABC has made no public announcement affecting sponsorship of proposed appearances by presidential and vice presidential candidates pending expected expressions of opinion and preference by candidates representatives and adoption of Senate Joint Resolution 207. ABC has had requests for right to sponsor from major institutional advertisers but has no plans to permit sponsorship of proposed joint appearances unless candidates should expressly wish it.

JOHN DALY,
Vice President.

NEW YORK, N.Y.,
August 18, 1960.

The Honorable OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR CHAIRMAN HARRIS: In response to your telegram of August 18, our policy concerning sponsorship is, so far as debates are concerned, as follows: There have been recurring reports that consideration is being given to commercial sponsorship of the debates by the Democratic and Republican presidential nominees during the 1960 campaign. I would like to make it absolutely clear that CBS will not accept commercial sponsorship for these special programs. Even though public spirited business firms have been generous in offering to sponsor these debates, we, the CBS radio and television networks and their affiliated stations, want to make this our own contribution because we believe there is no single act of self-government that is more important than the quadrennial choice of our national leadership. The foregoing is full text of announcement which I made August 8.

FRANK STANTON.

NEW YORK, N.Y.,
August 18, 1960.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, House Office Building, Washington, D.C.:

In response to your telegram of August 18, NBC plans to present the presidential and vice-presidential candidates in joint discussion of the campaign issues whether or not such programs are sponsored. We have received expressions of sponsorship interest from important companies. We have informed representatives of the candidates of this interest during discussion of arrangements for these appearances and solicited the decision of the candidates themselves on the acceptability of sponsorship. If the candidates have objection to sponsorship for these broadcasts we will accept their decision. If there is no objection from the candidates the type and manner of sponsorship would be appropriate to the importance of the broadcasts. In either case, whether sponsored or unsponsored, we believe these programs will represent a public service of a highly desirable character.

ROBERT E. KINTNER,
President, National Broadcasting Co.

NEW YORK, N.Y.,
August 19, 1960.

OREN HARRIS,
Chairman of the House Committee on Interstate and Foreign Commerce, Washington, D.C.:

Regarding your wire in connection with the possible adoption of Joint Resolution 207. Mutual will carry appearances by presidential and vice presidential candidates as unsponsored public service programing excepting where committees supporting candidates buy time for the express purpose of presenting the parties' candidate or candidates.

ROBERT F. HUREMEN,
President, Mutual Broadcasting System.

But in my humble judgment what we intend here is public service to the American people without any sponsorship and I think we should expect all of the networks and the stations to carry out that policy.

The final matter, which is of great importance, is this. If you turn to the Senate hearings you will find that on account of this program, which the major networks and their affiliated stations have assured us they would be glad to undertake, there will be a saving both to the Republican and the Democratic national parties and any other substantial third party.

Page 11 of the Senate hearings sets out that in 1956 there would have been saved $3,654,000. It is also stated that since rates have gone up, savings to both parties would run in the neighborhood of $5,500,000 during the 1960 political campaign. So that is what it would mean.

Here we have networks and stations operated by people who are willing to undertake this responsibility, and we have the policy of basic fairness, that I trust will be adhered to. In my opinion it is worth a trial. We will then be in a position to know better how to legislate for the future. I would say let us remove the shackles for this one year. Let us give it a trial and see how it works out.

Mr. BENNETT of Michigan. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, I intend to vote for this joint resolution, although I must say I am not doing so with any great amount of enthusiasm. The resolution delegates too much authority to the broadcasting industry to make decisions on broadcasts that will be seen and heard throughout the United States. However, on the basis that the suspension is temporary, on the basis that it is an experiment, and that it will terminate at the end of this presidential campaign, I am willing to give it my support.

I should like to ask my distinguished chairman if there is any intent on his part that the suspension of section 315 in this campaign will be used as an argument in favor of repealing the section during the next Congress.

Mr. HARRIS. I can speak only for myself. Personally, I would not be in favor of repealing section 315 of the act outright. It is not the chairman's intent—and I say this so that the networks or individual listeners may be on notice—that the temporary suspension of section 315 should be construed as giving the broadcasters any basis for coming in here to ask for the outright repeal of the section after this election.

Mr. BENNETT of Michigan. I cannot see how this resolution can be used as an argument for the outright repeal of section 315 because this refers only to the presidential and vice presidential candidates and no one else. If the broadcasters do a good job, and the people benefit by it, there might be some justification for some permanent legislation along these lines so that we could follow this pattern in each presidential election. However, I have a feeling that so far as the networks are concerned one of the reasons they want this suspension is to afford them a reason to come in later and say that in this campaign the suspension of section 315 has worked out satisfactorily, and therefore this section ought to be repealed outright. I wanted to be sure there was no intention of that sort here.

Mr. HARRIS. I have not had any such information that that would be their intention. However, it is certainly not my intention to have the passage of this resolution considered as a ground for the outright repeal of section 315.

Mr. BENNETT of Michigan. Is there anything in the resolution that deals with the sponsorship of programs on which these presidential candidates may appear? If the networks decide to sell the time to a sponsor and have the 8 or 10 hours, or whatever they are going to allot here, paid for not by the presidential candidate or his party but by an independent or private sponsor, we are then in fact dealing with a paid political broadcast, are we not?

Mr. HARRIS. Let me say that when I was alerted to the fact that I would be recognized to call up this resolution I

set out to get some additional information. I wrote a letter to each of the networks asking for certain information, and my letter and their replies are contained in the RECORD which I have referred. I direct this to the attention of every Member.

In addition to that, when the sponsorship question came up a few days ago I sent a wire to each of the networks asking what their position would be, because I thought that we ought to know what their position is on this particular occasion. I placed their replies in the RECORD earlier. Columbia Broadcasting System states very frankly that it will not have sponsorship of such programs. NBC and ABC indicate that they would have sponsorship only at the request of the candidates themselves. Mutual Broadcasting Co. said the same.

As I said a moment ago, in my judgment—and I think this has the approval of the leadership of both major national parties and of both candidates—in my humble judgment, it is the intention that there be no sponsorship, because if the candidates' appearances are to be sponsored commercially, then there would be no need for this resolution in the first place.

Mr. BENNETT of Michigan. But there is nothing in the resolution itself that would prevent sponsorship of these programs if the networks find sponsors and if they decide that they should like to do it in that fashion.

The point I am making is that unless there is assurance here that the programs will not be sponsored, there is no use in passing this resolution.

Mr. HARRIS. That is the very point.

Mr. BENNETT of Michigan. The problem that the networks are complaining about is that if they give some time to the major parties free, then they will have to give time to the fringe candidates which would cause them a great deal of trouble. If they are going to have sponsors for these programs, we would be passing something here that would be perfectly meaningless so far as I can see. Furthermore, I wish to say something on the question of "fairness."

The last sentence of the first paragraph of the resolution provides that nothing in this resolution shall be construed as relieving broadcasters from the obligation imposed upon them under the Communications Act to operate in the public interest. One of the cardinal requirements which licensees of broadcasting stations must meet is the rule of fairness. A violation of the rule of fairness would amount to disregarding the requirement of operations in the public interest.

Note, however, that this requirement is imposed on the broadcasters and not on the networks, at least not on the networks directly. Thus, if a network should not deal fairly with the presidential candidates and give more time to one of them, the licensees carrying these broadcasts would violate the rule of fairness but not the network itself because the law does not impose any responsibility on the network as such.

This points up once again the inconsistency of the present provisions of the Communications Act which provide for the licensing of broadcasters but do not provide for the licensing or regulating of networks.

In my opinion, passage of this resolution demonstrates that the real power to discriminate is in the networks and therefore the networks, along with the individual stations, should be held accountable under the Communications Act.

Mr. HARRIS. But, I do not believe there will be any attempt at all along that line because I understand that the attitude of the candidates of the two major parties is that they would not want sponsorship and, therefore, I do not think there will be any effort at all to do that.

Mr. Speaker, if the gentleman would permit me, I would like to make a brief statement here, which I believe is necessary in order to have the RECORD clear.

On page 2 of this resolution, on line 4, there is found the word "this." The language reads, "the obligation imposed upon them under this Act to operate in the public interest."

That is a technical error. It should have read, "such act" because it refers to the Communications Act of 1936. I am sure that this will be understood correctly and I merely wanted to make this statement in order to clarify the RECORD.

Mr. ROOSEVELT. Mr. Speaker, the distinguished chairman of the committee, the gentleman from Arkansas [Mr. HARRIS], has answered some of the questions bothering many about this legislation. The fact that this exemption is limited to this election and that a thorough study and observation of the problem will be undertaken is a deciding factor in favor of the bill. The following statement gives the view of some who view the problem and its inherent dangers with alarm:

STATEMENT OF RICHARD D. POSTER, OF LOS ANGELES, CALIF. AND THE UNIVERSITY OF SOUTHERN CALIFORNIA, CONCERNING THE REGULATION OF POLITICAL BROADCASTING AND THE PROSPECT OF TELEVISION DEBATES

Section 315 of the Communications Act of 1934 has, particularly in recent years, emerged as a source of many problems and difficulties for the broadcaster. With considerable justification the broadcaster has criticized vigorously the often awkward applications and interpretations of this section. The 1959 Supreme Court decision regarding the WDAY (Farmers Union) case gave welcome relief from probably the most disturbing dilemma inherent in section 315.[1] A second dilemma derives from the core of this section—*the equal opportunity provision*.[2] What is just and proper under this system of government clearly stands in opposition to what is sensible and realistic in political broadcasting. This second dilemma, likewise was partially, if questionably, relieved by Congress in amending section 315, also in 1959.

This amendment [illegible] news interviews, news conferences, on-the-spot coverage of news events (including conventions and related activities) from the coverage of section 315 [illegible] will prove, in the long run, to be equitable, assuming that the broadcaster in handling such matters will proceed calmly to maintain objectivity and balance. [illegible] observing the political conventions of 1960 one could readily note the difficulty which the broadcaster will face in maintaining impartiality. Many candidates for congressional and other offices have, in the course of one or the other of the conventions, had a significant and highly impressive exposure, through speeches, interviews, and appearances, to a large part of their respective constituencies. It is difficult to suggest an opportunity in political campaigning which would approximate that of being seen by one's constituents while participating in a national convention. Certainly many inequities in the use of broadcast facilities by political candidates will arise during the 1960 election campaign as the broadcaster takes advantage of the new freedom to broadcast news, interviews, and special events. To what extent will the broadcaster be able to compensate for such inequities? Will the broadcaster make a sincere effort to accept the concomitant responsibilities of this new freedom? The answers to these questions will in large measure determine the future of election campaign broadcasting.

By not extending exemption to the broadcasting of debates while exempting other specific types of programs, the 1959 amendment to section 315 has left the possibility of a specific debate exemption highly unlikely in the near future. But should debates be exempted? The fact that two *opposing (major) candidates* debate an issue on a broadcast medium would tend to convey to the audience the idea that their views represent the two sides on that issue. On most of the important issues confronting the Nation, the major candidates hold remarkably similar viewpoints. It is the minority candidates who most often hold truly divergent viewpoints. Could it really serve the public interest to provide for television debates between two major candidates who might often find difficulty in disagreeing on an issue, while excluding minority candidates for the same office who do indeed hold differing opinions?

A Broadcasting magazine editorial, citing dramatic illustrations of the idiocies of Federal editorial control over a medium of journalism (the NBC television network granted equal time to the self-appointed candidate for the Democratic presidential nomination, Lar Daly, since Senator KENNEDY had appeared as a guest on the Jack Paar show) and the virtues of freedom (broadcasters gave wide ranging coverage of the *Democratic Convention* because they were able to interview all newsworthy participants without worrying about granting equal time to their rivals in local political races), led to the following conclusions:

"The removal of that absurd restriction [by the 1959 amendment to sec. 315] gave broadcasters last week the freedom to interview at will. And the result was a heads-up job of coverage.

"When Congress reconvenes next month, a further modification of section 315 will be up for House consideration. Already passed by the Senate is a joint resolution suspending section 315 for the presidential and vice presidential candidates during this campaign.

"This resolution deserves the support of all broadcasters. But it must be considered no more than a preliminary to the final job that must be undertaken when a new Congress meets next year—the total repeal of section 315.[3]

[1] The broadcaster could be held liable for defamatory statements by candidates using his station which he was prohibited from censoring.

[2] Minority candidates readily demand equal opportunity when a major candidate is allowed broadcast time, particularly free time; thus broadcasters, although interested in making political broadcasts available to the public, are exceedingly hesitant in making such time available to candidates.

[3] Broadcasting (July 18, 1960), p. 106.

Certainly legislation to suspend or repeal the equal opportunity provision, would substantially reduce the broadcaster's problems in this area, but it should also be abundantly clear that such action would represent a rather severe encroachment on the rights of minorities. It is admittedly difficult for a broadcaster to appreciate the tenet of the right of the minority in view of the screwballs and publicity seekers who are first to lay claim to such a right under present regulation.

In the case of the particular "idiocy" cited by Broadcasting magazine, what reason, other than to make section 315 appear absurd, could NBC have had for allowing this to take place? Indeed NBC was ordered by the FCC to give Mr. Daly equal time—but on the assumption that he met all of the criteria defining a legally qualified candidate.[4] In this case Mr. Daly was purportedly a candidate for the Democratic Party nomination for President. Mr. Daly had publicly announced his candidacy (at least to the FCC) and might have been voted for—but had he made a substantial showing that he was a bona fide candidate? What evidence of this latter fact did the FCC accept in ordering NBC to grant Mr. Daly time equal to that given Senator KENNEDY on the Jack Paar Show? When will some broadcaster risk a demerit from the FCC and take Mr. Daly to court, requiring him to prove (and the burden of proof would be his) that he is a bona fide candidate? NBC had the best opportunity possible in the situation above. Further some of the recent interpretive rulings by the Federal Communications Commission regarding the equal opportunity provision seem to beg the question: "Is the FCC itself interested in the repeal of the burdensome section 315?"[5] Finally it would seem that the ultimate solution, championed by CBS as well as by Broadcasting magazine—the repeal of section 315—would, if ever it were accomplished, eventually result in the imposition upon the broadcaster of new tests of objectivity, fairness, public service, etc. Although the 1959 amendment of section 315 may prove advantageous and even reasonably equitable, it would seem that the congressional resolution to waive the requirements of section 315 during the 1960 Presidential and Vice Presidential campaigns, if passed, would set an undesirable and seemingly dangerous precedent.

Both the Democratic and Republican candidates have clearly stated that they would like to debate issues on network television. The networks have offered prime time free to these two major candidates for such purposes—if Congress passes legislation to suspend the requirements of section 315 for the 1960 presidential and vice presidential campaigns. If such legislation is adopted the responsibility of the broadcaster will not be met simply by maintaining equity between major candidates. Service of the public interest would also require reasonable recognition of, and attention to, the campaigns and opinions of serious minority candidates for these high offices.

If section 315 is not suspended, and if the broadcaster really wants to program television debates, then there remain at least two possible alternatives.

One alternative assumes that the major candidates truly believe in the value of and the need for such debates. In this case the broadcaster could set aside certain periods of time for these debates, then notify all candidates for a particular office that he will provide equal opportunity to purchase an amount of time equal to that provided opponents in each debate program. The amount of time provided would depend upon the duration of the program and the number of candidates who wish to take advantage of the opportunity at that time. It could be made clear in the notification that if a candidate did not wish to accept the opportunity at that time, he would waive any future claim to time equal to that given opponents in that debate. Since this action would seem quite clearly to meet the letter and spirit of the law, there would be no reason to expect any serious legal problems. Further there is little reason to expect minority candidates to buy very many half hours of network time, and if the major candidates are seriously interested in television debates, they (or their parties) should be willing to invest in such a participation debate which would allow the participants to determine the ground rules.

A second alternative in broadcasting debates would be even more practicable than the previous alternative in view of the 1959 amendment to section 315. Since the debates currently anticipated by the candidates as well as by the broadcasters would hardly be debates in the formal sense, it would seem reasonable that the broadcaster might arrange for a debate similar to what is anticipated, at no cost to the candidates without the suspension of section 315. To accomplish this the broadcaster might make use of the exempt news interview format, so structuring it as to provide for two opposing candidates to be interviewed simultaneously. Interviewers could prepare in advance for questioning in depth on perhaps one or two particular issues for a program of this type. Upon entering discussion of a given issue each candidate could be asked to state briefly his position on that issue. During the course of such an interview each candidate might from time to time be allowed to question his opponent. Thus within the exempt news interview format the broadcaster could present to the public the most desirable qualities of the debate idea. With competent interviewers participating, and with a definite interview structure determined by the broadcaster, the result might even better serve the stated purpose of informing the public than the anticipated debate idea which in order to be used would require the suspension of section 315.

If the public is not given the opportunity to observe the major presidential candidates in some form of debate, either the candidates themselves, or the broadcaster, or both, should be considered responsible. It seems abundantly clear that there is no vital need for further modification of section 315 for this general purpose. Further, the state of the television art has risen to the point where candidates need not be in the same location in order to participate in these programs, thus the mere fact that candidates are campaigning in different parts of the country would not be relevant.

The case for further modification of section 315 of the Communications Act of 1934 should be based upon reasoning other than the urgent need to clear the way for television debates in the 1960 election campaign.

Mr. BENNETT of Michigan. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, I believe this legislation, Senate Joint Resolution 207, has merit. The impact of radio and television, particularly, on the American public is undoubtedly the greatest of any news or communications media. To suspend for the 1960 campaign the equal opportunity requirements of section 315 of the Communications Act of 1934 for presidential and vice-presidential nominees will give the three major networks an opportunity for improved service to the voting public. It will, according to the plans proposed by the networks, and the invitations they have extended both presidential candidates, permit of full and free exchange of views, in prime viewing time, for the greater edification of our citizens.

It has been the experience in the past that, while the intent and purpose of section 315 has been valid, it has been impractical to achieve pure equality of opportunity for all political candidates. The networks have been open to demands from every conceivable type of officeseeker. And, in attempting to comply substantially with the section, programs have been foisted upon the public which have been of especially biased nature and, in many events, have not been of enlightening benefit to the public. I think it is important to our political processes functioning at their best if the people of our country are well informed with respect to political events and public issues. The people need to be schooled to make an informed choice among competing candidates for the highest offices in the land.

I believe the suspension of the requirements of section 315 to permit the networks to invite the presidential and vice-presidential candidates to develop their positions on issues through face-to-face discussion or debate, or through response to impartial well-informed questions, will best serve the public interest and permit of a more widely and better informed voter.

We are in a time of world travail when, more than ever, it is vital that the public be made aware. Under the equal time requirements of the Communications Act as it stands, television and radio facilities must be tendered to any legally qualified candidate for a particular public office if an opponent has had time on such facility. A legally qualified candidate is determined by the laws of the several States and, in some cases, may be a person whose name does not appear on a printed ballot. This has served and could again serve to clutter up the air. In this year, there is no third party of any significance with presidential and vice presidential candidates competing with the Republican and Democratic candidates. It seems to me, therefore, that we best serve the public interest to permit free and open discussion of the issues by the dominant parties, one of which will direct the destiny of the Nation, and perhaps the free world, in the next 4 years, and not have issues clouded by representatives of splinter organizations.

The three major networks—ABC, CBS, and NBC—have made it clear to the Committee on Interstate and Foreign Commerce that, with section 315 suspended, they will devote absolutely equal time for the presentation of the Republican and Democratic presidential and vice presidential candidates. Programs would be on a flexible basis, with the candidates speaking on issues on which they had been consulted in advance, with the candidates themselves taking part in deciding on the format of such programs. Today more Americans get their news and information from television and radio than from any other media. There are almost three

[4] FCC Rules and Regulations, sec. 3.657a.

[5] See, for example, the FCC Interpretive Opinion of June 15, 1959, paragraph 57 et passim, and particularly the concurring statement of Commissioner Hyde.

times as many television and radio stations in the United States as there are newspapers. I believe the networks are to be commended, in view of the numbers they reach, in the desire, as was expressed by Mr. Robert E. Kintner, head of the National Broadcasting Co., "to best accomplish our purposes of familiarizing the public with the candidates and the issues." I do not believe this can be totally accomplished under the limitations of section 315.

There is, of course, the measure of fairness inherent in section 315. Under its standard of equal opportunities it prevents a network or facility from exercising its own discretion in determining which candidates represent sufficiently important political views to merit the use of the broadcast or telecast station. I am sure that, to suspend the requirements of this section for the 1960 campaign, the standard of fairness will remain as it treats of the major parties. Actually, it is enhanced as the suspension of the limitations gives the broadcasters an opportunity to contribute further to public understanding of the issues and personalities of the campaign.

I need not point out that we are not eliminating section 315 from the Communications Act but only suspending its requirements for this 1960 presidential campaign. It may be that when the effects of this suspension have been evaluated and presented to the Congress by March 1 of next year, we will have found ways to improve this and other sections of the act through the experience gained. Certainly, as the suspension is only with respect to nominees for the offices of President and Vice President, we will be enabled to make comparisons as the campaign moves ahead. I believe such reappraising of this section will prove of inestimable value to the Congress, particularly in view of the ever-growing power of television and radio where exposure of a candidate can be most valuable to the candidate's prospects of success.

I believe the suspension of section 315 to thus permit the free peak-viewing time offered the Republican and Democratic presidential and vice presidential candidates is in another sense an equitable proposal. In past years, one party or the other has been able to buy more television and radio time because of a bigger campaign treasury, so one or the other has been more fortunate. Neither party is prevented by this resolution from buying time beyond that which the networks are offering free, so one party can still outdo the other. However, the greatest and most valuable exposure will be equal, and this is all to the good.

Also, as the networks have affirmed, the donation of this free time does not preclude appearances of the candidates during the campaign on regularly scheduled news and other types of programs now exempt under section 315.

Mr. Speaker, this is an important resolution, one which is bound to have far-reaching effects, and one that should be passed to bring about what I believe will be a major step forward in the application of television and radio to our presidential campaigns.

Mr. BENNETT of Michigan. Mr. Speaker, I yield 1 additional minute to the gentleman from Illinois.

Mr. SPRINGER. I wish to make this one point; then I will yield.

I believe the networks are going to do a good job because this is a voluntary request rather than by rules imposed on them. They said, "Give us this authority and we will accept the responsibility." I think they will do a good job voluntarily.

I now yield to my distinguished chairman.

Mr. HARRIS. With regard to a matter of time the gentleman just referred to, I have information as to how the networks propose to handle this, the time they will give to it. CBS proposes to devote 8 hours of prime time during the campaign. NBC proposes to provide 8 hours during the campaign. I think ABC has worked out time for 3 hours, but I believe that has been modified since and that they have promised an additional 5 hours. That is apparently the way it will work out.

Mr. SPRINGER. So that will give 24 hours during the fall which, I think, is satisfactory.

Mr. BENNETT of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. AVERY].

Mr. AVERY. Mr. Speaker, in view of the rather comprehensive and persuasive statement made by the chairman and other members of the committee, I see no need to delay further the consideration of this resolution. I might just mention two points briefly.

There is always concern by minority parties and groups that they are going to be disbarred or discriminated against, so to speak, by a resolution such as this. We recognize in fact that licensees will probably only provide free time to two major parties. Obviously it would be an imposition by the networks on their listeners if every candidate for President or Vice President were permitted to have free time which is required under present law. This does not in my opinion abrogate nor deny any right to an individual nor group of individuals.

I am quite impressed by the fact that so many of the major newspapers of the country support this resolution in principle. I am further impressed by the fact that some newspapers who take pride in their stated concern over the rights of individual and minority groups are also in support of this resolution; namely, I am referring to an editorial in a local Washington newspaper, the Washington Post, on Saturday, the 21st of last May. So I think those Members of the House who are concerned about that aspect of this resolution may be reassured that the press usually of their point of view is in support of this resolution.

Another matter that I wish to touch on briefly is the feeling in my State and in other parts of the country that possibly too much television time was devoted to the conventions and other matters relating to the campaign. I do not know what you heard in your district, but I do know that at home I heard a lot of criticism that there was too much television coverage given to the two national conventions meeting in Chicago and Los Angeles. So, as I would interpret what I heard in Kansas which I think is probably representative of most districts in the United States, perhaps 8 hours time might be as much time as any one network should devote to the two major candidates. It might even be a little more than is necessary. Certainly we do not want to create the illusion, that the campaign is not important, but I think there are some other things that are likewise important. We who are in public life are so close to this matter we may overly evaluate or estimate how much public interest there is in these political matters.

So, in summary, Mr. Speaker, I want to urge the passage of this resolution and certainly urge further consideration of it in the next session of Congress.

Mr. HARRIS. Mr. Speaker, I yield to the gentleman from California [Mr. MOSS], a member of the committee, 3 minutes.

Mr. MOSS. Mr. Speaker, I find that my position on the resolution is substantially the same as that of my good friend the distinguished gentleman from Michigan [Mr. BENNETT].

I am not going to oppose this resolution; however, my support goes most reluctantly and with serious reservations. I am not too concerned with the three major networks, but the suspension here goes to each and every licensee of the Federal Communications Commission; it goes not only to the groups that support the nominees for the Presidency and Vice Presidency, on a national level, but for their campaigns at the local level and for the purchase of time for the statement of political views and for the presenting of spot announcements or advertisements.

In connection with individual broadcasters, I have been increasingly concerned over the number of complaints that I have received from persons of both political parties over the abuse of editorializing by licensees. Remember that in this instance editorializing is removed from any requirement for equal time. I am concerned with that increasingly partisan operation of some broadcasters. This can change from section to section as to whether it creates prejudice to a Republican or Democrat.

I think that we must make it abundantly clear at this point that this is an expedient. It does not represent a well-thought-out change in policy, a policy which has guided communications by radio since the Radio Act of 1927 and should not be construed as indicating an intent by the Congress, among the Members now seated, as an abandonment of present law. Perhaps upon examination of the experiment it may be possible to arrive at some formula for modifying the present law to remove the burden presently imposed of giving equal time to even the most inconsequential of candidates.

This is a serious step, and I hope that the Committee on Interstate and Foreign Commerce will carefully review the operation of this suspension, not only by networks, but by individual licensees throughout the Nation and at the same time give careful thought to the manner in which they discharge their responsibility.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Arkansas.

Mr. HARRIS. May I say to the gentleman, not only is it my intention, and I am sure it will be the committee's intention, to review this experiment, but to also observe its application during this campaign in 1960.

Mr. MOSS. I am pleased to have the assurance of the chairman of the Committee on Interstate and Foreign Commerce. I know that in connection with the matter of editorializing he is as concerned as I have become with the abuses reported to us, abuses that are taking place in a number of parts of the country where editorializing becomes purely propaganda of the most partisan type. This is a resource belonging to the people, and its regulation, a regulation at great cost to government, creates the value. Without regulation of broadcasting there would be no value, no one would invest a dime in a station if the man next door could overlap his frequency.

The SPEAKER. The question is on suspending the rules and passing the Senate joint resolution.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

AMENDING SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950

Mr. WALTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12753) to amend the Subversive Activities Control Act of 1950 so as to require the registration of certain additional persons disseminating political propaganda within the United States as agents of a foreign principal, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 20 of the Subversive Activities Control Act of 1950 is amended by inserting "(a)" immediately after "SEC. 20.", and by adding at the end thereof the following new subsections:

"(b) Section 1(b) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(b)), is amended by adding at the end thereof the following new clause:

"'(6) an individual domestic partnership, association, corporation, organization, or other combination of individuals, supervised, directed, or controlled by a government of a foreign country or a foreign political party;'.

"(c) Section 3(d) of such Act (22 U.S.C. 613(d)) is amended to read as follows:

"'(d) Any person engaging or agreeing to engage only in private and nonpolitical financial or mercantile activities in furtherance of the bona fide trade or commerce of such foreign principal or in the soliciting and collecting of funds and contributions within the United States to be used only for medical aid and assistance, or for food and clothing to relieve human suffering, if such solicitation or collection of funds and contributions is in accordance with and subject to the Neutrality Act of 1939 (22 U.S.C. 441 and the following), and such rules and regulations as may be prescribed thereunder;'.

"(d) Section 4(a) of such Act (22 U.S.C. 614(a)) is amended to read as follows:

"'(a) Every person within the United States who is an agent of a foreign principal and required to register under the provisions of this Act who imports or causes to be imported, or who transmits or causes to be transmitted in the United States mails or by any means or instrumentality of interstate commerce, any political propaganda shall, not later than forty-eight hours after the beginning of the importation or transmittal thereof, send to the Librarian of Congress two copies thereof and file with the Attorney General one copy thereof and a statement, duly signed by or on behalf of such agent, setting forth full information as to the places, times, and extent of such importation or transmittal.'

"(e) Section 4(b) of such Act (22 U.S.C. 614(b)) is amended to read as follows:

"'(b) It shall be unlawful for any person within the United States who is an agent of a foreign principal and required to register under the provisions of this Act to import or cause to be imported, or to transmit or cause to be transmitted in the United States mails or by any means or instrumentality of interstate or foreign commerce, any political propaganda unless such political propaganda is conspicuously marked at its beginning with, or prefaced or accompanied by, a true and accurate statement, in the language or languages used in such political propaganda, setting forth that the person importing or transmitting such political propaganda or causing it to be imported or transmitted is registered under this Act with the Department of Justice, Washington, District of Columbia, as an agent of a foreign principal, together with the name and address of such agent of a foreign principal and of each of his foreign principals; that, as required by this Act, his registration statement is available for inspection at and copies of such political propaganda are being filed with the Department of Justice; and that registration of agents of foreign principals required by the Act does not indicate approval by the United States Government of the contents of their political propaganda. The Attorney General, having due regard for the national security and the public interest, may by regulation prescribe the language or languages and the manner and form in which such statement shall be made and require the inclusion of such other information contained in the registration statement identifying such agent of a foreign principal and such political propaganda and its sources as may be appropriate.'

"(f) Section 4 of such Act (22 U.S.C. 614) is amended by adding at the end thereof the following new subsection:

"'(e) Any person not within the United States who uses the United States mails or any means or instrumentality of interstate or foreign commerce within the United States to circulate or disseminate any political propaganda shall be regarded, for the purposes of this Act, as an agent of a foreign principal who is acting within the United States. This subsection shall have no application to any such person outside the United States when his use of the United States mails or a means or instrumentality of interstate or foreign commerce within the United States is confined to the transmittal of political propaganda to a person registered under the terms of this Act.'"

SEC. 2. The Subversive Activities Control Act of 1950 is further amended by inserting, immediately after section 20 thereof, the following new section:

"COMPTROLLER OF FOREIGN PROPAGANDA

"SEC. 20A. There is hereby established, in the Bureau of Customs of the Department of the Treasury, the Office of the Comptroller of Foreign Propaganda, to be located at the seat of the Government in Washington, District of Columbia. Such Office shall be headed by a Director, who shall be appointed by the Secretary of the Treasury and who shall have rank and compensation equal to that of the Deputy Commissioner of the Bureau of Customs. The Director shall be a citizen of the United States, qualified by at least five years' experience in the import control of political propaganda, and shall maintain close liaison with the appropriate committee of Congress in order that they may be advised regarding the control of Communist and other foreign propaganda brought to, and sought to be disseminated in, the United States. He shall perform those functions with respect to the control of Communist and other foreign propaganda which are vested in the Secretary of the Treasury, to the extent that the performance of such functions may be delegated to him by the Secretary, and he shall perform such other functions as the Secretary may prescribe."

The SPEAKER. Is a second demanded?

Mr. SCHERER. Mr. Speaker, I demand a second.

Mr. MEYER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentlemen will state it.

Mr. MEYER. Should not a Member opposed to the bill have that privilege?

The SPEAKER. Is the gentleman from Ohio opposed to the bill?

Mr. SCHERER. No; I am not, Mr. Speaker.

Mr. MEYER. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MEYER. I am opposed to the bill, Mr. Speaker.

The SPEAKER. The gentleman qualifies. Without objection, a second will be considered as ordered.

There was no objection.

Mr. WALTER. Mr. Speaker, I yield myself 15 minutes.

Mr. Speaker, the proposed amendment is designed to meet certain deficiencies in the Foreign Agents Registration Act. While there has been no expressed opposition to this bill or this proposed amendment, there has been considerable opposition to it expressed in flank attacks, the principal one of which was made by two men who wrote a series of articles, the prime purpose of which was to discredit the Committee on Un-American Activities and its work.

In this series of articles one of the writers stated that the Committee on Un-American Activities subpenaed the same witness to testify on 9 different occasions to the same thing. Well, the fact of the matter is that this witness testified on numerous occasions as to the manner in which propaganda was coming into the United States and showing